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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 12 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
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Rulemaking to Amend Parts 1, 2, 21 and 25)
of the Commission's Rules to Redesignate)
the 27.5-29.5 GHz Frequency Band, to)
Reallocate the 29.5-30.0 GHz Frequency Band,)
to Establish Rules and Policies for Local)
Multipoint Distribution Service and for)
Fixed Satellite Services)
)

CC Docket No. 92-297

COMMENTS OF HUGHES COMMUNICATIONS GALAXY, INC.

Hughes Communications Galaxy, Inc. ("Hughes") hereby files comments in support of the Fourth Notice of Proposed Rulemaking (the "Fourth NPRM") in the above-captioned "28 GHz Proceeding."

At the outset, Hughes strongly endorses the 28 GHz band plan adopted by the Commission in the First Report and Order in this proceeding. The 28 GHz band is one of the largest contiguous spectrum segments available for commercial use by the satellite industry. Thus, the 28 GHz Proceeding has been a unique opportunity to foster the commercial development of that frequency segment, encourage technological growth, and spur the expansion of consumer products. It is because this proceeding has been so important to so many businesses that the resolution of the proceeding in the First Report and Order proved to be such a long and factious undertaking. Hughes therefore applauds the careful balance struck by the Commission in the band plan adopted in the First Report and Order.

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Hughes also fully endorses the Commission's proposal to accommodate, at 31.0-31.3 GHz, certain new LMDS requirements that could not be accommodated in the 27.5-30.0 GHz band. In particular, the proposal to designate that band for LMDS, establish appropriate licensing rules, and to license LMDS there on a primary basis, is fully consistent with the existing allocation of that band to the fixed and mobile services. As the Commission correctly notes, some licenses have been issued in this part of the band, but those licensees operate on a strict secondary, non-interference, basis.¹ Accordingly, those licensees have been on adequate notice that this band may be needed for other services in the future, and have no legitimate expectation that their existing operations will be protected by the use of that band for LMDS.

The 31 GHz proposal is a reasonable solution to the frequency constraints in the 27.5 - 30.0 GHz band, and is an appropriate complement to the band plan solution presented in the First Report and Order. Not only does it benefit LMDS providers, but it also will ensure that the operators in the Fixed-Satellite Service will have adequate spectrum to provide a wide range of innovative broadband services at 28 GHz.

In its 28 GHz band plan, the Commission has reached its stated goal of allocating spectrum resources in such a way so as to "promote competition by permitting all proposed services to develop and offer innovative consumer services such as video program distribution, two-way interactive video, teleconferencing, telemedicine, telecommuting, and high speed data services within the [United States] and around the globe."² The 31 GHz proposal helps to

¹ See Rulemaking to Amend Parts 1, 2, 21 and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, to CC Docket No. 92-297 Reallocate the 29.5-30.0 GHz Frequency Band to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, CC Docket No. 92-297, at 39 (released July 22, 1996).

² Id. at 3.

accommodate additional LMDS needs that have arisen in the latter part of this proceeding and therefore serves as an important accommodation to bring finality to this almost four-year-old proceeding.

Respectfully submitted,

HUGHES COMMUNICATIONS
GALAXY, INC.

By: 

Of Counsel

Scott B. Tollefsen
Vice President, General Counsel & Secretary
Hughes Communications Galaxy, Inc.
1500 Hughes Way
Long Beach, CA 90810
(310) 525-5150

Gary M. Epstein
John P. Janka
John G. Holland
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004
(202) 637-2200

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